

SOLID WASTE DISPOSAL ACT (SWDA)

8-32. Administrative Enforcement-Corrective Action Authority: Issuance of Orders and Signing of Consent Agreements

1. AUTHORITY. Pursuant to Subtitle C, Section 3008 (h) of the SWDA:

a. to issue orders requiring corrective action or other responses deemed necessary to protect human health or the environment;

b. to issue orders which suspend or revoke authorization to operate under Section 3005 (e) of the SWDA;

c. to negotiate and sign consent agreements memorializing settlements between the Agency and respondents; and

d. to represent the Agency in administrative enforcement actions.

2. TO WHOM DELEGATED.

a. The authorities in 1.a., 1.b., and 1.c. are delegated to the Director, Land and Chemicals Division (LCD).

b. The authority in 1.d. is delegated to the Regional Counsel.

3. LIMITATIONS.

a. The delegates must obtain the advance concurrence of the Assistant Administrator for Enforcement and Compliance Assurance before exercising the authority in 1.b., above. In addition, once the recipient of an order requests, or fails to request, a hearing within the specified time period, the Regional Counsel or his/her designee and technical program staff may conduct any negotiations, and negotiate and sign resulting agreements. (See 5.c., below.)

b. The delegates other than the Regional Counsel must obtain the concurrence of the Regional Counsel or his/her designee prior to exercising these authorities.

c. The above authorities may only be exercised for cases initiated by Region III.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

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5. ADDITIONAL REFERENCES.

a. Section 3008 (h) of SWDA.

b. See Chapter 8 Delegations entitled:

(1) "Determination That There Is or Has Been A Release";

(2) "Civil Judicial Enforcement Actions";

(3) "Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions";

and

(4) "Emergency TROs."

c. Assistant Administrator for Enforcement and Compliance Assurance's May 19, 1995 memorandum, "Office of Enforcement and Compliance Assurance and Regional Roles in Civil Judicial and Administrative Site Remediation Enforcement Cases."

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-32. Administrative Enforcement - Corrective Action Authority: Issuance of Orders and Signing of Consent Agreements, 1200 TN RIII-80, (November 22, 1989).

Date June 21, 2004

/s/ Donald S. Welsh
Donald S. Welsh
Regional Administrator